

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: January 8, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: TMP-31246 - FARM/95 COMMERCIAL -**

**APPLICANT/OWNER: FARM & I95, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval for Site Development Plan Reviews (SDR-23483 and SDR-29378), Major Modification (MOD-7588), and Special Use Permits (SUP-7589, SUP-7590, and SUP-7591) shall be required if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.

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5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

**Public Works**

6. Dedicate appropriate right-of-way on Oso Blanca Road north of Farm Road.
7. The Final Map for this site shall be labeled as a Merger and Resubdivision.
8. In accordance with the intent of a Commercial Subdivision, all sites within this subdivision shall have perpetual common access to all driveways connecting this site to the abutting streets and a note to this effect shall appear on the Final Map for this site. No barriers (e.g. curbs, wall, etc.) shall be erected within the boundaries of the overall commercial subdivision map site which would prohibit any vehicle on this site from utilizing any driveway connecting this commercial development site to the abutting public streets.
9. Provide proof of Nevada Department of Transportation (N.D.O.T.) relinquishment for this site prior to the recordation of a Final Map.
10. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
  - I. On-site sewers, 8-inches in diameter or larger, are public sewers within 20-foot wide dedicated public sewer easements.
  - II. On-site sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
  - III. On-site sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
11. All subdivided parcels comprising this commercial subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits and a note to this effect shall appear on the Final Map for this site.

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12. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.
13. Site development to comply with all applicable conditions of approval for SDR-23483, SDR-29378 and all other site-related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a five-lot commercial subdivision on 15.72 acres at the southeast corner of Farm Road and U.S. 95. The applicant is proposing a five-lot commercial subdivision with an approved Site Development Plan Review (SDR-23483) for a 110,773 square-foot shopping center and an approved Minor Site Development Plan Review (SDR-29378) for an additional 625 square feet of retail space for a total of 111,398 square feet of commercial space within the proposed commercial subdivision.

As this request is appropriate for Town Center and in compliance with both approved Site Development Plan Reviews (SDR-23483 and SDR-29378), staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD18 (Residential Planned Development – 18 Units per Acre), R-CL (Single Family Residential Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic) and P-D (Planned Development) Zones to T-C (Town Center District). The Planning Commission and staff recommended approval of this request.
06/22/00	The Planning Commission approved (final action) a request for a Tentative Map (TM-0022-00) for 3-lots on 36.8 acres on the south side of Farm Road, approximately 300 feet west of Rancho Drive.
11/15/00	The City Council approved a Site Development Plan Review [Z-0076-98(17)] for a 284,150 square-foot commercial center on the subject property as part of a larger request. In addition, 12 associated Special Use Permit (U-0099-00 thru U-0110-00) applications were approved, allowing four supper clubs, four restaurants with drive-through facilities, a convenience store with fuel pumps, the sale of packaged liquor in conjunction with a convenience store, a car wash, and an auto lube facility. The Planning Commission and staff recommended approval of these requests.
12/07/00	The Planning Commission approved (final action) a request for a Final Map (FM-0056-00) for 3-lots on 36.8 acres on the south side of Farm Road, approximately 300 feet west of Rancho Drive.

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06/05/02	The City Council approved a request to amend (GPA-0004-02) a portion of the Town Center Plan of the General Plan from SC-TC (Service Commercial – Town Center) to SX-TC (Suburban Mixed Use – Town Center) on approximately 26 acres adjacent to the west side of I-95, north of the Farm Road alignment. The Planning Commission recommended approval.
12/18/02	The City Council approved Extension of Time (EOT-1083 thru 1095) for the Site Development Plan Review (Z-0076-98) and the 12 associated Special Use Permit (U-0099-00 thru U-0110-00) applications for the subject site. The Planning Commission and staff recommended approval of these requests.
04/07/04	The City Council approved a request for a Site Development Plan Review (SDR-3795) and Waivers of the Town Center Development Standards requiring on-site open space features; parking spaces to be set back a minimum of 15 feet from property lines; parking lots to be located away from street front; and walkways between parking lots and rows of parking spaces for a proposed 293,355 square-foot retail center on 46 acres adjacent to the northwest and northeast corners of Severance Lane and Oso Blanca Road. The Planning Commission recommended approval.
01/05/05	The City Council approved Special Use Permit applications (SUP-5427 through SUP-5435) for Restaurants with Drive-Throughs, Supper Clubs, and Restaurants with Service Bars for the subject site. The Planning Commission and staff recommended approval of these requests.
09/07/05	The City Council approved a Site Development Plan Review (SDR-7594) for a proposed 101,320 square-foot commercial and 777 unit residential development with Waivers of the parking lot, foundation and perimeter landscape requirements and Town Center Development Standards for two-story maximum height, single-story office, and 20-foot landscape berm requirements on 40 acres at the intersection of Oso Blanca Road and Severance Lane. The Planning Commission recommended approval while staff recommended denial of this request.
09/07/05	The City Council approved a request for a Major Modification (MOD-7588) of the Town Center Development Standards Manual from SC-TC (Service Commercial - Town Center) to SX-TC (Suburban Mixed Use - Town Center) and GC-TC (General Commercial – Town Center) Special Land Use Designations on 40 acres at the intersection of Oso Blanca Road and Severance Lane. The Planning Commission and staff recommended approval of this request.
09/07/05	The City Council approved a Special Use Permit (SUP-7589) for a proposed high density residential development, a Special Use Permit (SUP-7590) for a proposed Supper Club, a Special Use Permit (SUP-7591) for a proposed Liquor Establishment (Off-Sale) and a Special Use Permit (SUP-7592) for a proposed Tavern at the intersection of Oso Blanca Road and Severance Lane. The Planning Commission recommended approval while staff recommended denial of these requests.

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03/01/06	Code Enforcement processed a complaint (case #38847) of mobile vendors causing hazardous traffic conditions at the intersection of Oso Blanca Road and Durango Drive. The case was resolved on 06/15/06.
03/30/07	Code Enforcement processed a complaint (case #51786) of a semi-trailer with advertising posted on the sides at the intersection of Oso Blanca Road and Durango Drive. The case was resolved on 04/16/07.
10/17/07	The City Council approved a Site Development Plan Review (SDR-23483) for a 110,773 square-foot Shopping Center; an Extension of Time (EOT-24401) for an approved Special Use Permit (SUP-7591) for a proposed Liquor Establishment (Off Sale); an Extension of Time (EOT-24402) for an approved Special Use Permit (SUP-7590) for a proposed Supper Club; and Extension of Time (EOT-24403) for an approved Special Use Permit (SUP-7594) for a proposed 101,320 square-foot commercial and 777-unit multi-family residential development; Waivers of the parking lot, foundation and perimeter landscape requirements; and to Waive Town Center Development standards for two-story maximum height, single-story office, and 20-foot landscaped berm requirements in the SX-TC district at the intersection of Oso Blanca Road and Severence Lane. The Planning Commission and staff recommended approval of this request.
09/25/08	A request for a Minor Site Development Plan Review for a Minor Amendment (SDR-29378) to an approved Site Development Plan Review (SDR-23483) for a proposed 111,398 square-foot shopping center at the southeast corner of U.S.-95 and Farm Road was administratively approved.
<b><i>Related Building Permits/Business Licenses</i></b>	
No related building permits or business licenses exist for this site.	
<b><i>Pre-Application Meeting</i></b>	
10/20/08	A pre-application meeting was held where the submittal requirements for a Tentative Map were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
10/29/08	A routine field check performed by staff revealed undeveloped land.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	15.72

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land	T-C (Town Center District)	T-C (Town Center District) [SX-TC (Suburban Mixed Use – Town Center) Special Land Use Designation] & [GC-TC (General Commercial – Town Center) Special Land Use Designation]
North	US-95	ROW (Right-of-Way)	ROW (Right-of-Way)
South	Undeveloped Land	T-C (Town Center District)	T-C (Town Center District) [SC-TC (Service Commercial – Town Center) Special Land Use Designation]
East	Undeveloped Land	T-C (Town Center District)	T-C (Town Center District) [SC-TC (Service Commercial – Town Center) Special Land Use Designation] & [GC-TC (General Commercial – Town Center) Special Land Use Designation]
West	Under Construction – Condominiums	T-C (Town Center District)	T-C (Town Center District) [SX-TC (Suburban Mixed Use – Town Center) Special Land Use Designation]

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
T-C Town Center District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is a request for a Tentative Map for a five-lot commercial subdivision on 15.72 acres at the southeast corner of Farm Road and U.S. 95. A previous Site Development Plan Review (SDR-23483) entitled this property for an 110,773 square-foot shopping center, and a Minor Site Development Plan Review (SDR-29378) entitled this property for an additional 625 square feet of retail space for a total of 111,398 square feet of commercial space within the proposed commercial subdivision.

## FINDINGS

- **General information**

The subject site is designated SX-TC (Suburban Mixed Use – Town Center), and GC-TC (General Commercial – Town Center) within the Town Center Special Land Use Plan. The Suburban Mixed Use District is characterized as being similar to the Service Commercial District (low to medium intensity retail such as shopping centers) with the addition of medium density residential being a permitted use and is intended to enable development with imaginative adjacency standards. This district is more reflective of suburban development than the Urban Center Mixed Use category (which maximizes the use of the property with a mixture of land uses). The General Commercial District allows all types of retail, service, office and other general business uses of a more intense commercial character. These uses will normally require a Special Use Permit and will commonly include limited outdoor display of product and lights or other characteristics not generally compatible with the adjoining residential areas without significant transition. Examples include new and used car sales, highway commercial uses such as hotels and motels, and tourist commercial uses such as resorts and recreational facilities. Local supporting land uses such as parks, other public

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recreational facilities, some schools and churches are also allowed in both the Suburban Mixed Use and General Commercial districts.

- **Cross Section**

Pursuant to Section 18.08.110, cross sections have been submitted for the proposed Tentative Map. There is a 1.26-foot grade change across the subject site, south to north representing less than a one-percent change in grade. A grade change of 2.38 feet is demonstrated on the northern end of the subject side west to east, and a grade change of 6.42 feet is shown west to east on the southern end of the subject site.

The applicant is proposing no perimeter walls for the subject commercial subdivision.

- **Trails**

No required trails are directly adjacent to this development.

- **Special Conditions of Approval (SDR-29378)**

4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made prior to civil improvement plan approval. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan:

- Design the streetscape of Oso Blanca Road to conform to the standards of a Town Center Frontage Road.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      N/A

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**APPROVALS**                      0

**PROTESTS**                      0